IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.40415 of 2008
MOJIBUL MIAN @ MOJIBUL HAQUE S/O LATE ABDUL AZIZ@ BHAGELU,R/O VILLAGE-SALONEPUR P.S. HUSSAINGANJ,DIST.SIWAN--- PETITIONER
Versus
STATE OF BIHAR------OPPOSTE PARTY
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2 21.10.2008 Heard learned counsel for the petitioner and learned APP for the State.

Though the petitioner was initially made an accused in Hussainganj P.S. Case No. 148 of 1991 under sections 324, 307/34 of the I.P.C, read with sections ¾ of the Explosive Substance Act but in absence of enough material the police did not sent up him for trial. But the matter did not rest at that because subsequently during the course of trial the petitioner has been summoned under section 319 of the Cr. P .C. Petitioner initially moved for anticipatory bail which was rejected by the Sessions Judge. Thereafter the petitioner surrendered and prayed for regular bail. But his bail application has been rejected on the ground that there is material to show that he was involved in throwing bomb at the time of offence in which the practicing lawyer lost his one of the arms due to injury. The matter being serious, therefore his prayer for bail has been refused.

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It is also a fact that the petitioner has now been summoned under section 319 of the Cr. P.C. and he has to face the trial after many a years. He has the privilege of bail earlier and now it will not be fair if his prayer for bail is rejected afresh merely because he has been summoned now by the trial court

based on some material which has been transpired in the trial

Keeping the above fact in mind, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rs. Twenty thousand) with two sureties of the like amount each to the satisfaction of F.T.C. No. V, Siwan in connection with Sessions Trial No. 200 of 1992 arising out of Hussainganj P.S. Case No. 148 of 1991 with a direction that the petitioner shall appear on the date fixed in the case either in person or through his counsel regularly and will render due assistance during the trial. Any breach in this regard may disentitle the petitioner from the privilege of bail.

RPS (Ajay Kumar Tripathi,J.)

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